

Serial No. 09/458,190

- 2 -

Art Unit: 2127

Lim describes, at column 15, lines 8-29, a method of altering priorities assigned to processors. Lim states:

“... In one embodiment, the priorities can be assigned and updated on the fly as these factors change. For example, where a processor 400 switches to a high-priority task or operation, that processor may increase its own priority level to a higher priority in real-time. Once the high priority operation is complete, the processor can return its priority level to the lower level previously set, or to some other level based on the priority of its new operation. Similarly, where other factors are used to set the priority, as those factors change in real-time, so can the priority of the processor to adequately handle the processor in its current situation. In this manner, priorities can be dynamically assigned and reassigned, to more accurately reflect the importance, priority or other characteristics of the tasks, operations or applications being performed...”

In contrast, the present invention claims “... a method for expediting a selected operation in a computer system, the method comprising ... associating a plurality of operations with an operating system task, the plurality of routing operations including the selected operation ... executing the operating system task at a low priority level prior to performing the selected operation; and raising the operating system task to a high priority level in order to perform the selected operation...” Lim neither describes nor suggests the claim limitations of “associating a plurality of operations with a system task” or “executing the operating system task at a low priority prior to performing the selected operation” and “raising the operating system task to a higher priority level in order to perform the selected operation” as recited in the claims. In order to support a rejection under 35 U.S.C. §102, every limitation of the claims must be shown or suggested in the prior art. As this burden is not met by Lim, the rejection should be withdrawn.

Independent claims 6 and 11 include limitations similar to those of claim 1, and are allowable for at least the reasons put forth with regard to claim 1. Dependent claims 2-5, 7-10 and 12-15 serve to add further patentable limitations to their respective independent claims and are therefore allowable for at least the reasons put forth with these claims.

Serial No. 09/458,190

- 3 -

Art Unit: 2127

Claims 3, 4, 8, 9, 13 and 14 were rejected as unpatentable in view of Lim and in view of the Applicants admitted prior art (APA).

Applicants claim 3 recite the steps of "...wherein the operating system task is a routing task, and wherein the trigger condition comprises receipt of a link state advertisement protocol message including link status information..." Although the Examiner states that these elements are recited in the combination of references, Applicants disagree.

The portion of the Lim cited by the Examiner as supporting the teaching of 'a trigger event' merely appears to infer that some even happens to cause a processor increase its own priority. Lim states "... where other factors are used to set the priority, as those factors change in real-time, so can the priority of the processor..." (col. 15, lines 18-19). As described above, Lim describes only that a priority of the processor changes, not a priority of a task as recited in the claims. In addition, no explicit trigger event is recited, and in particular no mention that a 'trigger condition comprises receipt of a link state advertisement protocol message indicating link status information...' Although the APA states that each node periodically tests communication links and sends LSAs including link status information, Applicants submit that the examiner is using hindsight, in view of the invention, to include the LSA event as 'a factor that changes' in Lim's system.

Accordingly, for at least this reason, claim 3 is patentably distinct over the combination of Lim and APA, and the rejection should be withdrawn. A similar argument can be put forth for claims 8 and 13, and accordingly the rejection to those claims should also be withdrawn. Claims 4, 9 and 14 serve to further limit claims 3, 8 and 13, respectively, and are therefore patentable for at least the reasons put forth with regard to their parent claims.

Serial No. 09/458,190

- 4 -

Art Unit: 2127

Applicants have made a diligent effort to place the claims in condition for allowance. However, should there remain unresolved issues that require adverse action, it is respectfully requested that the Examiner telephone Lindsay McGuinness, Applicants' Attorney at 978-264-6664 so that such issues may be resolved as expeditiously as possible.

For these reasons, and in view of the above amendments, this application is now considered to be in condition for allowance and such action is earnestly solicited.

Respectfully Submitted,

7/24/2003  
Date

Lindsay G. McGuinness  
Lindsay G. McGuinness, Reg. No. 38,549  
Attorney/Agent for Applicant(s)  
Steubing McGuinness & Manaras LLP  
30 Nagog Park Drive  
Acton, MA 01720  
(978) 264-6664

Docket No. 120-185  
Dd: 07/28/2003